

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Volha Shauchenka	Team: Squad #15	CCRB Case #: 201702673	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/29/2017 6:28 PM, Thursday, 03/30/2017	Location of Incident: [REDACTED]	Precinct: 32	18 Mo. SOL 9/29/2018	EO SOL 9/29/2018	
Date/Time CV Reported Thu, 04/06/2017 2:30 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 04/06/2017 2:30 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Kimm Cruse	11030	[REDACTED]	PSA 6
2. LT Okelie Bentley	00000	[REDACTED]	PSA 6
3. POM Julio Fernandez	02537	[REDACTED]	PSA 6
		[REDACTED]	PSA 6

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Mohammad Karim	03516	[REDACTED]	PSA 6
2. CPT Ralph Johnson	00000	[REDACTED]	PSA 6
3. POM Orlando Valerio	16101	[REDACTED]	PSA 6
4. LT Christian Hernandez	00000	[REDACTED]	PSA 6

Officer(s)	Allegation	Investigator Recommendation
A.LT Okelie Bentley	Force: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley pointed his gun at § 87(2)(b)	[REDACTED]
B.POM Kimm Cruse	Force: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Police Officer Kimm Cruse pointed his gun at § 87(2)(b)	[REDACTED]
C.LT Okelie Bentley	Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley stopped § 87(2)(b)	[REDACTED]
D.LT Okelie Bentley	Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley frisked § 87(2)(b)	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
E.LT Okelie Bentley	Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley searched § 87(2)(b)	
F.POM Kimm Cruse	Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Police Officer Kimm Cruse searched § 87(2)(b)	
G.LT Okelie Bentley	Force: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley pointed his gun at § 87(2)(b)	
H.LT Okelie Bentley	Discourtesy: On March 29, 2017, en route to § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley spoke discourteously to § 87(2)(b)	
I.POM Kimm Cruse	Discourtesy: On March 29, 2017, en route to § 87(2)(b) in Manhattan, Police Officer Kimm Cruse spoke discourteously to § 87(2)(b)	
J.POM Kimm Cruse	Discourtesy: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Police Officer Kimm Cruse spoke discourteously to § 87(2)(b)	
K.POM Julio Fernandez	Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Police Officer Julio Fernandez questioned § 87(2)(b)	
L.LT Okelie Bentley	Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley authorized the frisk of § 87(2)(b)	
M.LT Okelie Bentley	Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley authorized the stop of § 87(2)(b)	
N.LT Okelie Bentley	Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley authorized the search of § 87(2)(b)	
O.LT Okelie Bentley	Abuse of Authority: On March 29, 2017, at the PSA 6 stationhouse, Lieutenant Okelie Bentley threatened to arrest § 87(2)(b)	
P.LT Okelie Bentley	Abuse of Authority: On March 29, 2017, at the PSA 6 stationhouse, Lieutenant Okelie Bentley threatened to arrest § 87(2)(b)	
Q.POM Kimm Cruse	Abuse of Authority: On March 29, 2017, at the PSA 6 stationhouse, Police Officer Kimm Cruse threatened to arrest § 87(2)(b)	
R.POM Kimm Cruse	Abuse of Authority: On March 29, 2017, at the PSA 6 stationhouse, Police Officer Kimm Cruse threatened to arrest § 87(2)(b)	
S.LT Okelie Bentley	Discourtesy: On March 29, 2017, at the PSA 6 stationhouse, Lieutenant Okelie Bentley spoke discourteously to § 87(2)(b)	
T.POM Kimm Cruse	Discourtesy: On March 29, 2017, at the PSA 6 stationhouse, Police Officer Kimm Cruse spoke discourteously to § 87(2)(b)	
U.POM Kimm Cruse	Abuse of Authority: On March 30, 2017, Police Officer Kimm Cruse entered and searched § 87(2)(b) in Manhattan.	

Officer(s)	Allegation	Investigator Recommendation
V.POM Kimm Cruse	Discourtesy: On March 30, 2017, inside § 87(2)(b) in Manhattan, Police Officer Kimm Cruse spoke discourteously to § 87(2)(b)	
W.POM Kimm Cruse	Abuse of Authority: On March 30, 2017, inside § 87(2)(b) in Manhattan, Police Officer Kimm Cruse threatened to arrest § 87(2)(b)	
X.POM Kimm Cruse	Off. Language: On March 30, 2017, inside § 87(2)(b) in Manhattan, Police Officer Kimm Cruse made remarks to § 87(2)(b) based upon § 87(2)(b)'s race.	
Y.POM Kimm Cruse	Off. Language: On March 30, 2017, inside § 87(2)(b) in Manhattan, Police Officer Kimm Cruse made remarks to § 87(2)(b) based upon her gender.	
Z.POM Kimm Cruse	Abuse of Authority: On March 30, 2017, inside § 87(2)(b) in Manhattan, Police Officer Kimm Cruse threatened to arrest § 87(2)(b)	
2A.POM Kimm Cruse	Abuse of Authority: On March 30, 2017, inside § 87(2)(b) in Manhattan, Police Officer Kimm Cruse threatened to damage § 87(2)(b)'s property.	
2B. Officers	Abuse of Authority: On March 30, 2017, inside § 87(2)(b) in Manhattan, officers damaged § 87(2)(b)'s property.	

Case Summary

§ 87(2)(b) filed this complaint on behalf of herself, her husband § 87(2)(b) and her grandmother § 87(2)(b) over the telephone with the CCRB on April 6, 2017. On March 29, 2017, at 6:22 p.m., § 87(2)(b) who was visiting his wife at § 87(2)(b) § 87(2)(b) in Manhattan called 911 to report that § 87(2)(b) who temporarily stayed at § 87(2)(b) § 87(2)(b) located at the same address together with § 87(2)(b) had allegedly threatened him with a firearm after he, his friend § 87(2)(b) and § 87(2)(b) were involved in a verbal dispute in the hallway of the building on the 11th floor. Lt. Okelie Bentley and PO Kimm Cruse of Police Service Area 6 headed to the location and stopped § 87(2)(b) in front of § 87(2)(b) allegedly pointing their firearms at him (**Allegations A, B and C**). Lt. Bentley frisked § 87(2)(b) and both Lt. Bentley and PO Cruse allegedly searched him (**Allegations D, E and F**). PO Julio Fernandez and PO Mohammad Karim of the same command joined the officers shortly after the stop, but then went to the § 87(2)(b) § 87(2)(b) to obtain an enhanced description of the suspect. § 87(2)(b) was eventually released, and then stopped and arrested approximately five minutes later by Lt. Bentley and PO Cruse in front of § 87(2)(b) after the description had been confirmed. During the second stop, Lt. Bentley allegedly pointed his firearm at § 87(2)(b) again (**Allegation G**). § 87(2)(b) was charged with menacing a weapon in the second degree. On the way to § 87(2)(b) for in-person identification, Lt. Bentley and PO Cruse allegedly told § 87(2)(b) “Shut the fuck up. Just sit back. It’s gonna be a long ride.” (**Allegations H and I**). Either § 87(2)(b) or § 87(2)(b) came downstairs and identified § 87(2)(b) while he was sitting in the vehicle together with PO Cruse. During that time, PO Cruse allegedly told § 87(2)(b) “Shut the fuck up,” again (**Allegation J**).

PO Fernandez, who remained at the location waiting for Lt. Bentley, allegedly asked § 87(2)(b) where the gun was while talking to her in the hallway (**Allegation K**). § 87(2)(b) then went inside § 87(2)(b), and PO Fernandez was posted in front of the door by Lt. Bentley while PO Karim was posted downstairs by the staircase. § 87(2)(b) left the apartment twice, and each time she exited, she was stopped, frisked and searched by PO Fernandez (**Allegations L, M and N**).

After the arrest, § 87(2)(b) was transported to the PSA 6 stationhouse by Lt. Bentley and PO Cruse. While at the stationhouse, Lt. Bentley and PO Cruse both allegedly told § 87(2)(b) if he did not tell them where the gun was, they would arrest § 87(2)(b) and § 87(2)(b) as well (**Allegations O, P, Q, and R**). In addition, at different occasions, both Lt. Bentley and PO Cruse told § 87(2)(b) to “shut the fuck up” again (**Allegations S and T**). While § 87(2)(b) was lodged in the cell, § 87(2)(b) came to the stationhouse to collect his belongings, and PO Cruse allegedly told § 87(2)(b) “What the fuck do you care about her? We got them searching her” (**within Allegation T**).

On March 30, 2017, at 2:07 a.m., Lt. Bentley, PO Cruse, PO Fernandez, Lt. Christian Hernandez, Capt. Ralph Johnson, and possibly PO Orlando Valerio all of PSA 6 accompanied by FDNY EMTs § 87(2)(b) and § 87(2)(b) entered § 87(2)(b) at § 87(2)(b) pursuant to the New York County search warrant § 87(2)(b) issued by the Honorable Judge Jacob Moses (**Allegation U**). During the search, PO Cruse allegedly asked § 87(2)(b) “Where’s the fucking gun?” multiple times and threatened to arrest her if she did not tell where it was (**Allegations V and W**). PO Cruse also allegedly told § 87(2)(b) “Do you love that nigga or you love your grandma? You wanna be a ride or die bitch or save your grandmother? If you don’t tell me where then fucking gun is, you and your grandmother are going to jail. She is

going to lose this apartment and she is going the fuck to jail” (**Allegations X, Y, and Z; within allegations V and W**). In addition, PO Cruse allegedly threatened § 87(2)(b) to damage the property inside the apartment by saying the officers were going to “tear everything apart” and “fuck up” the room (**Allegation 2A; within Allegation V**). During the search, the officers allegedly broke a picture, a vacuum cleaner and a radio (**Allegation 2B**). PO Cruse eventually recovered alleged drug paraphernalia from § 87(2)(b) s and § 87(2)(b) s bedroom, and informed § 87(2)(b) she and her grandmother were going to jail (**within Allegation Z**). § 87(2)(b) was placed in handcuffs, and PO Cruse allegedly told her, “Stand up, you’re going the fuck to jail” (**within Allegation V**). She was then transported to § 87(2)(b) due to alleged sickle cell crisis, and subsequently released from there since her arrest was voided. § 87(2)(b) alleged that shortly after her release she was re-arrested while still at the hospital, but was released again without being taken to the stationhouse for arrest processing.

The case is submitted past its 90-day benchmark due to the fact the case consists of multiple parts and multiple attempts to obtain witness statements for each part.

Video Evidence



2017-04-27_16-55-08.mp4

[BR 11]

Snagit of video 1 from Lobby Elevators and Mailboxes camera installed inside § 87(2)(b)



2017-04-27_17-08-17.mp4

[BR 12]

Snagit of video 2 from Lobby Elevators and Mailboxes camera installed inside § 87(2)(b)



2017-06-22_15-58-37.mp4

[BR 24]

Snagit of the video of the apartment taken by PO Cruse on his NYPD issued cell phone.

Mediation, Civil and Criminal Histories

- The case is unsuitable for mediation due to the arrest associated with the incident.
- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of August 3, 2017 with regard to the incident [BR 33].
- A New York State Office of Court Administration database search, conducted on August 14, 2017, revealed the following:
 - § 87(2)(b) and § 87(2)(b) have no criminal convictions in the last 10 years [BR 43].

- § 87(2)(b) [REDACTED]

Civilian and Officer CCRB Histories

- This is a first CCRB complaint filed by § 87(2)(b) [BR 42]. § 87(2)(b) [REDACTED]
- This is a first CCRB complaint filed on behalf of § 87(2)(b) and § 87(2)(b) [BR 42].
- Lt. Bentley has been a member of the service for 12 years and has 10 previous CCRB complaints filed against him containing 25 allegations, none of which were substantiated. There are two question and/or stop allegations and one stop allegation pleaded against him that were closed twice as victim uncooperative and exonerated, respectively. There are seven discourtesy allegations pleaded against Lt. Bentley that were closed as complainant uncooperative twice, victim uncooperative twice, complaint withdrawn, exonerated, and unfounded.
- PO Cruse has been a member of the service for 15 years and has six previous CCRB complaints filed against him containing nine allegations.
 - PO Cruse has one offensive language substantiated allegation pleaded against him in case #201300699, for which the CCRB recommended Command A discipline and the NYPD has imposed that penalty. In the same case, there is one substantiated seizure of property allegation pleaded against PO Cruse, for which the CCRB has recommended charges, but as of August 14, 2017, the NYPD has not taken no disciplinary action in regards.
 - PO Cruse has also one unsubstantiated discourtesy allegation pleaded against him.
- PO Fernandez has been a member of the service for 16 years and has two previous CCRB complaints filed against him, none of which were substantiated on § 87(2)(g) [REDACTED]

Potential Issues

- No statement was obtained from § 87(2)(b) since he refused to participate in the investigation [BR 17].
- During fieldwork conducted by the CCRB field team, potential witness § 87(2)(b) of § 87(2)(b)'s first stop that took place in front of § 87(2)(b) § 87(2)(b) was identified. § 87(2)(b) could only be contacted at his place of work, § 87(2)(b) but was on vacation during multiple contact attempts to the store by the undersigned. Eventually, § 87(2)(b) stopped working at the store, therefore the investigation has not obtained a statement from him.
- None of the employees of § 87(2)(b) § 87(2)(b) witnessed the incident.

- § 87(2)(b) was identified as a potential witness of the allegations that took place in the holding cell area at PSA 6. § 87(2)(b) was uncooperative with the investigation after five phone calls were placed to him at the confirmed phone number and three please call letters mailed to him, two of which were returned by the USPS. Consequently, no statement was obtained from him.
- § 87(2)(b) described two potential witness officers who were present at the PSA 6 stationhouse. Tour 3 for March 29, 2017 and Tour 1 for March 30, 2017 Roll Call, did not reveal any officers who fit the description or any anti-crime officers scheduled. All interviewed officers, apart from PO Cruse and Lt. Bentley, were either not at the stationhouse or not in the holding cell area, when the alleged misconduct took place. Therefore, no witness officers were identified for that part of the incident.

Findings and Recommendations

Explanation of Subject Officer Identification

- Lt. Bentley confirmed that it was his decision to stop § 87(2)(b) at § 87(2)(b), therefore, Allegation C is being pleaded against him.
- Since § 87(2)(b) noted that the officer who questioned her was the same officer who frisked and searched her, Allegation K is being pleaded against PO Fernandez.
- Since PO Cruse was the investigating officer who obtained the search warrant, Allegation U is being pleaded against him.
- § 87(2)(b) described the officer who allegedly used profanity, offensive language and threatened to arrest her and § 87(2)(b) as a black male with light skin, 6' tall, heavy set, in his 50s, wearing glasses on a string and uniform. According to NYPD records, PO Cruse is a black male with light skin, 6' tall, 250 pounds, heavy set, and is 42 years old [NYPD 24]. In addition, based on the video evidence, PO Cruse was wearing glasses on a string on the day of the incident [BR 11]. Therefore, Allegations V, W, X, Y, Z and 2A are being pleaded against him.
- Although § 87(2)(b) alleged that officers damaged a radio, a framed picture and a vacuum cleaner inside § 87(2)(b)'s apartment, § 87(2)(b) did not corroborate that. Since all the interviewed officers who were present during the search denied damaging any property or observing other officers do so, Allegation 2B is being pleaded against "officers."

Allegations Not Pleaded

- **Abuse of Authority:** A stop allegation in regards to § 87(2)(b)'s stop at § 87(2)(b) is not being pleaded since it preceded his arrest.
- **Abuse of Authority:** Although Lt. Bentley stated he asked § 87(2)(b) if he had a firearm, § 87(2)(b) did not allege that. Similarly, despite the fact that Lt. Bentley testified that he asked § 87(2)(b) about a firearm when he went to the § 87(2)(b) hallway, she did not make that allegation. Consequently, question allegations are not being pleaded in regards.
- **Abuse of Authority:** Since PO Fernandez pointed at his shield in response to § 87(2)(b)'s request for its number, a refusal to provide name and/or shield number allegation is not being pleaded in regards.

- **Force:** Although in her verified statement to the CCRB, § 87(2)(b) initially alleged that one of the officers pushed § 87(2)(b) to the side when entering the apartment, § 87(2)(b) did not make that allegation herself. Thus, a force allegation is not being pleaded in regards.
- **Force:** Although § 87(2)(b) alleged that as he was being handcuffed by PO Cruse, the officer pushed him against a phone booth. However, § 87(2)(b) indicated that at that point he was approximately an inch or two away from the booth and did not allege any pain or injury from the officer's actions. Since there was no assertion that the push was forceful and excessive, a force allegation is not being pleaded in regards.
- **Abuse of Authority:** § 87(2)(b) stated that after he was brought to the PSA 6 stationhouse, Lt. Bentley and PO Cruse showed him what he believed was a fake search warrant. After reviewing it, § 87(2)(b) requested to see the warrant closer, but none of the officers approached him closer and just showed the warrant from afar. Since § 87(2)(b) had an opportunity to review the search warrant, a failure to show a search warrant allegation is not being pleaded in the case.

Allegation A – Force: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley pointed his gun at § 87(2)(b)

Allegation B – Force: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Police Officer Kimm Cruse pointed his gun at § 87(2)(b)

Allegation C – Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley stopped § 87(2)(b)

Allegation D – Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley frisked § 87(2)(b)

Allegation E – Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley searched § 87(2)(b)

Allegation F – Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) in Manhattan, Police Officer Kimm Cruse searched § 87(2)(b)

It is undisputed that § 87(2)(b) and § 87(2)(b) were involved in a verbal dispute in the § 87(2)(b) hallway of § 87(2)(b) in Manhattan, although the statements made during the argument by § 87(2)(b) and his actions afterwards are in question. In addition, it is also not disputed that after the argument and the 911 call, § 87(2)(b) was stopped and frisked by Lt. Bentley.

During his in-person interview with the CCRB, § 87(2)(b) did not specify any statements he made during the argument and denied making any threats mentioning a firearm to § 87(2)(b) or threatening him or § 87(2)(b) with a firearm [BR 13]. § 87(2)(b) did not show any objects that could have looked like a firearm to § 87(2)(b) or § 87(2)(b) either. § 87(2)(b) stated he never came back into the apartment after the exchange and denied knocking on § 87(2)(b)'s front door. After leaving the building, when he was by § 87(2)(b) § 87(2)(b) was surrounded by approximately six officers, including PO Cruse and Lt. Bentley, who both pointed their firearms at his head and upper body. § 87(2)(b) was informed he was being stopped because he had a firearm on him, and Lt. Bentley patted his groin area through his pants and underwear and his buttocks and legs from outside his clothing as well. Both Lt. Bentley and PO Cruse entered § 87(2)(b)'s front and back pants pockets and removed § 87(2)(b)'s money, phone and a five-inch screw driver from them. The items were later returned

to § 87(2)(b) and one of the officers informed § 87(2)(b) he had been searched because he fit the description of a suspect who had harassed someone with a firearm. § 87(2)(b) stated that he heard a description put over by the radio, and the suspect was described as a male wearing a red sweater and dark blue jeans, while he was wearing grey jeans. In addition, § 87(2)(b) was wearing a large, but slim fitting red sweater. § 87(2)(b) provided wrong identifying information for himself to the officers since he was on parole and was eventually let go.

When interviewed at the CCRB, § 87(2)(b) stated that during the argument, § 87(2)(b) said, "Oh, if it was my kids, I would have killed you," referring to the fact that she and § 87(2)(b) were smoking [BR 03]. After the argument, § 87(2)(b) left the building and § 87(2)(b) went inside apartment 11D to collect her purse. Later, § 87(2)(b) learned that § 87(2)(b) was searched by officers as he was leaving the building since they thought he had a gun on him.

In her verified statement to the CCRB, § 87(2)(b) stated she was inside her apartment at the time of the argument and did not hear what was taking place in the hallway [BR 04].

In his unverified phone statement to the CCRB, § 87(2)(b) stated that § 87(2)(b) got into a verbal argument with § 87(2)(b) because he and § 87(2)(b) were smoking marijuana in the hallway [BR 16]. After the argument, § 87(2)(b) knocked on § 87(2)(b)'s girlfriend's door, apartment 11C, and when he opened it, he observed § 87(2)(b) standing in the hallway with a firearm in his hand and telling him to come out. § 87(2)(b) locked the door, and § 87(2)(b) knocked on it again. Since § 87(2)(b) did not answer, § 87(2)(b) left the building. As a result, § 87(2)(b) called 911.

Lt. Bentley testified that he and PO Cruse were travelling along § 87(2)(b) in the vicinity of § 87(2)(b), when they received a radio transmission that someone had menaced a firearm to a neighbor at § 87(2)(b) and headed there [BR 27]. The suspect was described as a Hispanic male wearing a red t-shirt and stone washed blue jeans. As the officers were approaching the location, both of them observed § 87(2)(b) who closely fit the physical description and the description of clothing, and Lt. Bentley informed PO Cruse they were going to stop him. PO Cruse noted that was the only reason why § 87(2)(b) was stopped. Lt. Bentley denied pointing his firearm while stopping § 87(2)(b) and stated PO Cruse did not do so either. The officers explained to § 87(2)(b) why he was being stopped, and he seemed to be slightly annoyed. Therefore, Lt. Bentley asked the Central Dispatcher to read the description of the suspect again so that § 87(2)(b) could hear it. Lt. Bentley inquired if § 87(2)(b) had a firearm on him and whether he had any issues with his neighbor, to which he replied he had not. Lt. Bentley patted § 87(2)(b)'s entire body for safety, giving particular attention to his waistband. Lt. Bentley did not observe any bulges on § 87(2)(b) nor did he feel anything that could have been a firearm on his person. Lt. Bentley denied entering any pockets on § 87(2)(b) but noted § 87(2)(b) might have had a screwdriver on him. Lt. Bentley did not believe PO Cruse assisted him during the frisk nor did he believe PO Cruse searched § 87(2)(b). Shortly after § 87(2)(b) was frisked, PO Fernandez and PO Karim arrived on the scene, and Lt. Bentley asked both of them to go to the incident location and obtain additional description of the suspect since the dispatcher was unable to reach the complainant over the phone. After PO Karim and PO Fernandez left, § 87(2)(b) was let go since Lt. Bentley did not want to detain him for too long.

In his testimony to the CCRB, PO Cruse corroborated Lt. Bentley's account of the circumstances that preceded § 87(2)(b)'s stop and of the events that took place during the stop

apart from the following details [BR 20]. PO Cruse indicated that the officers asked § 87(2)(b) where he was coming from, and he replied he was coming from work. PO Cruse described § 87(2)(b)'s demeanor as calm during the stop and noted that § 87(2)(b) related to the officers that there were people in the neighborhood who hated him. After the dispatcher read the description of the perpetrator, § 87(2)(b) lifted his shirt up and said the officers could search him as he had nothing on his person. PO Cruse did not notice anything suspicious on § 87(2)(b) at the time, and denied searching him. PO Cruse also denied frisking § 87(2)(b) and noted he did not recall if Lt. Bentley did so. PO Cruse stated that Lt. Bentley did not search § 87(2)(b) either.

In his interview at the CCRB, PO Fernandez stated that he and his partner PO Karim joined Lt. Bentley and PO Cruse approximately 40 seconds after § 87(2)(b) was stopped by the deli [BR 28]. § 87(2)(b) was in PO Fernandez's view prior to the stop, and he stated that neither Lt. Bentley nor PO Cruse pointed their firearms at § 87(2)(b) as he was being stopped. PO Fernandez did not observe either Lt. Bentley or PO Cruse frisk or search § 87(2)(b). Although PO Fernandez noted § 87(2)(b) was wearing baggy clothes, he did not see any bulges on him. PO Fernandez confirmed Lt. Bentley's account that he and PO Karim left the location and went inside § 87(2)(b)'s § 87(2)(b) to obtain enhanced description of the perpetrator from the victim.

PO Karim largely corroborated PO Fernandez's account of how and why they arrived at the incident location, and denied observing either Lt. Bentley or PO Cruse point their firearms at § 87(2)(b) during the stop [BR 30]. PO Karim did not observe either Lt. Bentley or PO Cruse frisk § 87(2)(b) nor did he recall if either of the officers searched him. Although PO Karim believed that § 87(2)(b) could have been concealing a weapon since he matched the description of the perpetrator, he noted nothing on his clothing indicated he might have had it. PO Karim confirmed PO Fernandez's account that he and his partner went to the incident location shortly after the stop.

According to 911 call recording associated with NYPD Event Information #§ 87(2)(b) § 87(2)(b) called to report that he, his children and his friend entered his building when they observed a male smoking marijuana. Either § 87(2)(b) or his friend commented on that, and the male started threatening them [NYPD 18]. 43 seconds into the conversation, § 87(2)(b) reported that the male had just come to his apartment with a gun. § 87(2)(b) described the perpetrator as Hispanic male wearing a red shirt and blue jeans. At 2:00 minutes, § 87(2)(b) noted that he believed the suspect went inside apartment 11D. At 2:57 minutes, § 87(2)(b) stated that the suspect was knocking on his door again.

According to Radio Communication 2 associated with the same Event Information, Lt. Bentley asked the central dispatcher to call the complainant to get an enhanced description of the suspect three times after he stopped one male at § 87(2)(b)'s § 87(2)(b) [NYPD 20]. The call back attempts were unsuccessful.

According to New York State Criminal Procedure Law § 140.50, an officer may stop an individual if he/she has reasonable suspicion that an individual has committed, is committing or is about to commit a crime [BR 34]. In People v. Samuels, 977 N.Y.S. 2d 654, a general description of a perpetrator combined with spatial and temporal proximity to the scene of the reported crime gave officers reasonable suspicion to stop and temporary detain an individual pending identification [BR 44]. In People v. Green, 35 N.Y. 2d 193, officers were justified in stopping and frisking an individual who closely matched the description of a suspect who was seen by an eyewitness with a firearm engaging in an attempted robbery [BR 36]. The stop and frisk

§ 87(2)(b). Lt. Bentley did not point his firearm at § 87(2)(b) during the stop since he had just personally frisked him, which yielded negative results. Lt. Bentley noted that although § 87(2)(b) was handcuffed, he was not under arrest yet and was being detained for further identification. Either Lt. Bentley or PO Cruse frisked § 87(2)(b) prior to placing him in the vehicle and he was transported to § 87(2)(b) § 87(2)(b) for identification. While en route, § 87(2)(b) was not complaining of anything nor was he and the officers involved in an argument. Lt. Bentley denied using any profanity towards § 87(2)(b) in the car and stated that PO Cruse did not do so either. When they arrived to the building, either § 87(2)(b) or § 87(2)(b) went downstairs and spoke with Lt. Bentley while § 87(2)(b) remained in the car with PO Cruse. The victim confirmed § 87(2)(b) was the perpetrator by looking at him through the car window, and at that point Lt. Bentley considered § 87(2)(b) under arrest.

PO Cruse largely corroborated Lt. Bentley's testimony in regards to that part of the incident and confirmed that Lt. Bentley did not point his firearm at § 87(2)(b) during the second stop at § 87(2)(b) § 87(2)(b) [BR 20]. PO Cruse confirmed he handcuffed § 87(2)(b) and prior to placing him in the vehicle, PO Cruse frisked and searched him for safety reasons. Lt. Bentley and PO Cruse transported § 87(2)(b) to § 87(2)(b) § 87(2)(b) to obtain more information from the complainant. Neither Lt. Bentley nor PO Cruse used any profanity towards § 87(2)(b) on their way to the incident location, and PO Cruse noted that since § 87(2)(b) was polite with the officers, they treated him like a gentleman too. PO Cruse corroborated both § 87(2)(b) § 87(2)(b)s and Lt. Bentley's account of the identification process and denied telling § 87(2)(b) "Shut the fuck up," during that time.

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Allegation K – Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) § 87(2)(b) in Manhattan, Police Officer Julio Fernandez questioned § 87(2)(b) § 87(2)(b)

Allegation L – Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley authorized the stop of § 87(2)(b) § 87(2)(b)

Allegation M – Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley authorized the frisk of § 87(2)(b) § 87(2)(b)

Allegation N – Abuse of Authority: On March 29, 2017, in front of § 87(2)(b) § 87(2)(b) in Manhattan, Lieutenant Okelie Bentley authorized the search of § 87(2)(b) § 87(2)(b)

It is undisputed that PO Fernandez stopped and frisked § 87(2)(b) § 87(2)(b). However, it is disputed whether he searched her.

§ 87(2)(b) § 87(2)(b) stated that after § 87(2)(b) § 87(2)(b) left, she went inside § 87(2)(b) § 87(2)(b) to collect her purse, and as she was leaving she observed approximately six officers talk to § 87(2)(b) § 87(2)(b) [BR 03]. § 87(2)(b) § 87(2)(b) also observed PO Fernandez who was about to knock on her door. PO Fernandez asked § 87(2)(b) § 87(2)(b) what had happened, and she explained that § 87(2)(b) § 87(2)(b) and the neighbors had an argument. PO Fernandez told § 87(2)(b) § 87(2)(b) that one of the neighbors reported that she and § 87(2)(b) § 87(2)(b) had a gun and asked her where it was. § 87(2)(b) § 87(2)(b) remained in the hallway for approximately two hours and was informed by one of the officers they were going to obtain a search warrant. Eventually, § 87(2)(b) § 87(2)(b) went inside the apartment

to get her jacket as she was going to look for § 87(2)(b) since at that point she was unaware he had already been arrested. When § 87(2)(b) was leaving the apartment, she was informed by PO Fernandez that he had to check her. PO Fernandez patted § 87(2)(b) under the band of her bra over the clothing, ran his thumbs around the waistband of her pants, ran his hands along her outer and inner thighs, lower legs and went into her UGG boots with his hands. PO Fernandez also entered § 87(2)(b)'s front and back pants pockets and her front jacket pockets, but did not remove anything from them. § 87(2)(b) only had her keys inside her left jacket pocket. At that time, § 87(2)(b) was wearing slightly baggy sweatpants and a slim-fitting button up mid-hip cotton jacket with a curve at the waist. After that, § 87(2)(b) went outside and looked for her husband for a few hours, during which time she received a call from an officer telling her to go to the PSA 6 stationhouse to collect § 87(2)(b)'s property since he was arrested. Eventually, § 87(2)(b) returned to the apartment, and changed into slightly baggy jeans. She headed to the store and left the apartment. PO Fernandez, who was still by the door, frisked her by running his fingers under her bra band, running his hands along her outer and inner thighs and legs, and patting her front and back jeans pockets. PO Fernandez entered § 87(2)(b)'s boots and jacket pockets and removed a chopstick from the left pocket. § 87(2)(b) had keys and money in one of her pockets too, but PO Fernandez did not remove them. There were no other officers in the hallway when PO Fernandez frisked and searched § 87(2)(b). § 87(2)(b) was consistent in all her statements to the CCRB in regards to this part of the incident [BR 01, 02].

§ 87(2)(b) testified that when § 87(2)(b) was leaving the apartment the first time, she came to close the front door and observed two officers stand by the door, one of whom stated he had to check § 87(2)(b). After that, § 87(2)(b) observed one of the officers pat § 87(2)(b) but could specify in what areas [BR 04].

Lt. Bentley confirmed that after § 87(2)(b) was identified by either § 87(2)(b) or § 87(2)(b) in front of § 87(2)(b), he went upstairs to the § 87(2)(b) [BR 27]. Lt. Bentley instructed PO Karim to stay downstairs and most likely posted PO Fernandez by the door of § 87(2)(b) with instructions to search anyone who left the apartment for safety reasons and for preservation of evidence. Lt. Bentley believed that § 87(2)(b) was frisked and searched and noted he was informed of that by either PO Fernandez or PO Karim.

PO Fernandez testified that Lt. Bentley instructed him to stay by § 87(2)(b) and frisk anyone who came out of the apartment in case they removed the firearm, but did not instruct PO Fernandez to search them [BR 18]. § 87(2)(b) had left the apartment once prior to that instruction and returned. When she was leaving the apartment again, PO Fernandez explained he had to pat her down and asked if he could do so. § 87(2)(b) replied, "All right, no problem," and PO Fernandez patted her waist area, back and legs from mid-thighs. PO Fernandez did not enter any pockets on her or instructed her to remove any items from the pockets. After that, § 87(2)(b) left and returned to the apartment approximately one hour later. PO Fernandez did not recall if he patted § 87(2)(b) the second time, but noted that was possible and if he did so, he frisked her in the same areas as the first time. PO Fernandez confirmed he was the only officer posted in the hallway since PO Karim was posted downstairs and no other officers frisked § 87(2)(b).

PO Karim stated that he and PO Fernandez were initially posted by the door of § 87(2)(b), but he was not instructed to frisk or search anyone who left [BR 30]. PO Karim was not aware if such instructions were given to PO Fernandez. PO Karim did not recall if § 87(2)(b) left the apartment while he was in the hallway, but noted that at some point § 87(2)(b)

§ 87(2)(b) opened the door and asked the officers what was happening. PO Karim did not observe PO Fernandez frisk or search § 87(2)(b) while he was there. At 9:30 p.m., PO Karim did a compactor search with NYCHA officers while PO Fernandez remained in the hallway on the § 87(2)(b). After that, PO Karim was stationed downstairs by the staircase under the apartment windows until the end of his tour and did not go upstairs.

An officer may approach an individual and ask him/her pointed and accusatory questions if they have founded suspicion that criminal activity is afoot. *New York v. Hollman*, 79 N.Y.2d 181; NYPD Patrol Guide Procedure 212-11 [BR 38, 39]. According to *Illinois v. McArthur*, 531 U.S. 326, while in the process of obtaining a search warrant, officers may “freeze” the location and temporarily seize any individual attempting to get inside [BR 40]. In *People v. Bingham*, 176 A.D.2d 740, officers were justified in conducting a warrantless search of a jacket in a locked car after receiving information that it contained narcotics under the exigent circumstances doctrine [BR 41].

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Although PO Fernandez denied searching § 87(2)(b) Lt. Bentley admitted to giving that particular instruction to him and confirmed he was later informed that § 87(2)(b) was frisked and searched, the investigation has established that § 87(2)(b) was in fact searched by PO Fernandez in addition to being stopped and frisked. § 87(2)(g)

Allegation O – Abuse of Authority: On March 29, 2017, at the PSA 6 stationhouse, Lieutenant Okelie Bentley threatened to arrest § 87(2)(b)

Allegation P – Abuse of Authority: On March 29, 2017, at the PSA 6 stationhouse, Lieutenant Okelie Bentley threatened to arrest § 87(2)(b)

Allegation Q – Abuse of Authority: On March 29, 2017, at the PSA 6 stationhouse, Police Officer Kimm Cruse threatened to arrest § 87(2)(b)

Allegation R – Abuse of Authority: On March 29, 2017, at the PSA 6 stationhouse, Police Officer Kimm Cruse threatened to arrest § 87(2)(b)

Allegation S – Discourtesy: On March 29, 2017, at the PSA 6 stationhouse, Lieutenant Okelie Bentley spoke discourteously to § 87(2)(b)

Allegation T – Discourtesy: On March 29, 2017, at the PSA 6 stationhouse, Police Officer Kimm Cruse spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that after he was transported to the PSA 6 stationhouse and lodged in the holding cell, both Lt. Bentley and PO Cruse informed him they were going to get a search warrant for § 87(2)(b)'s apartment and asked him where the gun was multiple times [BR 13]. Both officers also told him that they would “charge” § 87(2)(b) and § 87(2)(b) as well [BR 14]. § 87(2)(b) insisted that there was no firearm in the apartment and that he did not live there, and both Lt. Bentley and PO Cruse became mad and at different occasions told him to “shut the fuck up.” Approximately two hours after § 87(2)(b)'s arrest, § 87(2)(b) came to the stationhouse to collect his property, and § 87(2)(b) asked PO Cruse to inquire how she was feeling since she had sickle cell disorder, to which PO Cruse replied, “Why the fuck do you care? We got them searching her.”

In a follow up phone statement, § 87(2)(b) confirmed that at some point she went to the stationhouse to collect § 87(2)(b)'s belongings [BR 10].

Lt. Bentley confirmed he and PO Cruse transported § 87(2)(b) to the stationhouse, after which he believed he did not have any interaction with § 87(2)(b) other than filling out his arrest stamp [BR 27]. Lt. Bentley denied threatening § 87(2)(b) to arrest § 87(2)(b) and § 87(2)(b) or telling him to “shut the fuck up.” Lt. Bentley stated that PO Cruse might have asked § 87(2)(b) where the gun was, but Lt. Bentley did not hear him ask that in fact. Lt. Bentley did not hear PO Cruse threaten § 87(2)(b) to arrest § 87(2)(b) and § 87(2)(b) or use any profanity towards him. As per Lt. Bentley, § 87(2)(b) did not visit the stationhouse, and he did not hear PO Cruse tell § 87(2)(b) “What the fuck do you care?”

PO Cruse testified that after § 87(2)(b) was transported to the stationhouse, he revealed his real name and the fact that § 87(2)(b) was his wife [BR 20]. PO Cruse denied questioning § 87(2)(b) about the gun or being involved in an argument with him since questioning him would hamper the process of obtaining a search warrant. PO Cruse denied threatening § 87(2)(b) with § 87(2)(b)'s and § 87(2)(b)'s arrests and noted that no other officers said so. PO Cruse denied telling § 87(2)(b) to “shut the fuck up,” and said that Lt. Bentley did not say so either. It is possible that § 87(2)(b) visited the stationhouse at some point, but PO Cruse denied telling § 87(2)(b) “Why the fuck do you care? PO Cruse denied using any profanity towards § 87(2)(b) at the stationhouse, and to his knowledge, § 87(2)(b) did not interact with any other officers there. PO Cruse maintained that § 87(2)(b) was calm in the holding cell, therefore, he was being treated with respect.

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Allegation U – Abuse of Authority: On March 30, 2017, Police Officer Kimm Cruse entered and searched § 87(2)(b) in Manhattan.

It is undisputed that PO Cruse, Lt. Bentley, PO Fernandez, Lt. § 87(2)(b) Capt. Johnson and possibly PO Valerio entered and that PO Cruse, Lt. Bentley and PO Fernandez searched § 87(2)(b)'s § 87(2)(b)'s § 87(2)(b)'s where § 87(2)(b) and § 87(2)(b) were temporary residents. § 87(2)(b) opened the front door and the officers entered after informing her they had a search warrant [BR 03, 04, 20, 27, 28, 31]. *See photographs and video* [BR 07, 08, 09, 10, 11, 12, 13, 21, 22, 23, 24, 25, 26, 27, 29].

The New York County Search Warrant § 87(2)(b) issued by the Honorable Judge Jacob Moses on § 87(2)(b) permitted entry into and search of § 87(2)(b) at any time and seizure of all firearms, ammunition and related packaging and accessories as well as proof of ownership of the contraband [NYPD 03].

A valid New York County Search Warrant issued by the Criminal Court may be executed pursuant its terms. N.Y. S. Criminal Procedure Law 690.50, NYPD Patrol Guide Procedure 221-17 [BR 36, 37].

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Allegation V – Discourtesy: On March 30, 2017, inside § 87(2)(b) in Manhattan, Police Officer Kimm Cruse spoke discourteously to § 87(2)(b)
Allegation W – Abuse of Authority: On March 30, 2017, inside § 87(2)(b) in Manhattan, Police Officer Kimm Cruse threatened to arrest § 87(2)(b)
Allegation X – Abuse of Authority: On March 30, 2017, inside § 87(2)(b) in Manhattan, Police Officer Kimm Cruse threatened to arrest § 87(2)(b)
Allegation Y – Offensive Language: On March 30, 2017, inside § 87(2)(b) in Manhattan, Police Officer Kimm Cruse made remarks to § 87(2)(b) based upon her gender.

Allegation Z – Abuse of Authority: On March 30, 2017, inside § 87(2)(b) in Manhattan, Police Officer Kimm Cruse threatened to arrest § 87(2)(b)
Allegation 2A – Abuse of Authority: On March 30, 2017, inside § 87(2)(b) in Manhattan, Police Officer Kimm Cruse threatened to damage § 87(2)(b) s property.

Allegation 2B – Abuse of Authority: On March 30, 2017, inside § 87(2)(b) in Manhattan, officers damaged § 87(2)(b) s property.

§ 87(2)(b) alleged that after the officers entered § 87(2)(b) s apartment, she and her grandmother were sitting in the kitchen and PO Cruse kept asking her multiple times, “Where is the fucking gun?” [BR 03]. § 87(2)(b) started crying and replied she did not know where it was. PO Cruse was yelling at § 87(2)(b) and told her if she did not tell the officers where the gun was, she was going to get “locked up.” PO Cruse also told § 87(2)(b) “Do you love that nigga or you love your grandma? You wanna be a ride or die bitch or you’re save your grandmother? If you don’t tell me where this fucking gun is, you and your grandmother are going to jail. She is going to lose this apartment and she is going the fuck to jail.” § 87(2)(b) kept responding that she had no knowledge of the location of the gun. As the officers were searching the apartment, PO Cruse was directing other officers where to look and told § 87(2)(b) they were going to “tear everything apart” and “fuck” the room “up.” Because of PO Cruse’s yelling, § 87(2)(b) started experiencing a sickle cell crisis, which she described as pain in her entire body and requested to be taken to the hospital. Someone had called an ambulance for her, but at some point, PO Cruse informed § 87(2)(b) that marijuana paraphernalia was recovered in the apartment and she and her grandmother were going to jail. § 87(2)(b) described the paraphernalia as a piece of paper from marijuana cigarette the size of a finger nail in a plastic bag. PO Cruse informed her although she would be taken to the hospital, she would still go to jail afterwards and told her, “Stand up, you’re going the fuck to

jail.” § 87(2)(b) was arrested for the paraphernalia and taken to § 87(2)(b), from where she was eventually released and her arrest was not processed. § 87(2)(b) also alleged that after the search, she observed damage to a picture that was taken off the wall, the radio and stated that the dust container of the vacuum cleaner was broken since she believed it was thrown on the floor during the search. § 87(2)(b) did not make any of these allegations in her preceding statements to the CCRB [BR 01, 02]. Although § 87(2)(b) provided photos of the apartment taken after the search, none of them depict any of the alleged damaged property. *See photographs* [BR 07, 08, 09, 10, 11, 12, 13].

§ 87(2)(b) largely confirmed the circumstances of the entry and although she noted that at some point a black officer, approximately 6’ tall, average build, in his 50s, was yelling at § 87(2)(b) “Where’s the gun? Where’s the gun?”, she did not allege that the officer used any profanity during that time [BR 04]. However, § 87(2)(b) added that the officer might have asked § 87(2)(b) “Where’s the damn gun?” Because the officer was yelling at § 87(2)(b) she went into a sickle cell crisis and started experiencing pain. According to § 87(2)(b) the EMTs had entered the apartment together with the officers and informed § 87(2)(b) they would take her to the hospital. Eventually, § 87(2)(b) was arrested, but was first taken to the hospital. Although § 87(2)(b) stated she did not know the reason for the granddaughter’s arrest, she believed that officers found alleged crack inside the apartment. § 87(2)(b) did not bring up any of the allegations made by § 87(2)(b) and explained that after the search everything was thrown around without noting any property damage.

During their in-person statements at the CCRB, both EMT § 87(2)(b) and EMT § 87(2)(b) confirmed they were summoned to the location by the officers of PSA 6 for a “low-profile search warrant” possibly together with their lieutenant Victor Potito [BR 19, 20]. Both EMTs testified that they waited approximately 20 minutes outside after arriving at the location, and then went into the target apartment together with one of the officers. During the search, both EMTs stayed with § 87(2)(b) and § 87(2)(b) in the kitchen. EMT § 87(2)(b) described both § 87(2)(b) and § 87(2)(b) as slightly agitated and noted that all the officers were behaving in a professional manner and were just conducting the search and asking the females questions. EMT § 87(2)(b) did not recall if § 87(2)(b) was involved in an argument with any of the officers, but noted, however, that officers were trying to make her reveal the location of a firearm and she was just upset. EMT § 87(2)(b) did not recall hearing any of the officers use any profanity or offensive language towards § 87(2)(b) nor did he hear any of the officers threaten to arrest either § 87(2)(b) or § 87(2)(b). EMT § 87(2)(b) added that he did not recall for certain hearing any officers use the word “nigger” or “bitch.” EMT § 87(2)(b) did not recall hearing any officers threaten § 87(2)(b) to damage the property in the apartment. At some point, EMT § 87(2)(b) observed one of the officers bring a small blue plastic bag and although he did not know for sure, he believed the bag contained some sort of narcotic inside. After that, the same officer asked § 87(2)(b) if there was anything else in the apartment and added that the officer was the only officer who was talking to § 87(2)(b) for the most part. EMT § 87(2)(b) stated that the officer was not raising his voice, but was rather talking in an affirmative tone of voice. § 87(2)(b) was arrested, although EMT § 87(2)(b) did not know why, and he did not hear any of the officers tell her she was “going the fuck to jail.” After the search was done, EMT § 87(2)(b) offered to take § 87(2)(b) to the hospital and she agreed, although he did not recall what her chief complaint was and noted she did not seem to have been experiencing the sickle

cell crisis since her vital signs were normal. EMT § 87(2)(b) did not observe any broken items inside the rooms since he was not in position to see that.

EMT § 87(2)(b) largely corroborated EMT § 87(2)(b)'s account of the incident and confirmed that § 87(2)(b) complained to the EMTs she had a sickle cell disorder when they entered the apartment and noted she did not want to go to hospital until the search was over [BR 19]. EMT § 87(2)(b) noted that § 87(2)(b) and Richardine § 87(2)(b) were upset, and § 87(2)(b) was saying, "This is fucked up." EMT § 87(2)(b) confirmed PO § 87(2)(b)'s account in regards to the allegations and stated he did not hear any of the officers make the alleged statements. According to EMT § 87(2)(b) the officers were professional and since the FDNY lieutenant was present, they would have stepped in if anything of that kind happened. EMT § 87(2)(b) also confirmed that there was only one officer who was mainly interacting with the females described as a black male, 5'8" tall, stocky, in his late 30s, wearing glasses and NYPD jacket with a shield hanging over it.

PO Cruse indicated that during the execution of the search warrant all officers who were inside the apartment spoke to § 87(2)(b) and asked her where § 87(2)(b) was staying and where the gun was [BR 20]. § 87(2)(b) responded she did not know what the officers were talking about and became upset. PO Cruse denied asking § 87(2)(b) multiple times, "where the fucking gun" and denied making the rest of the alleged statements that included profanity, offensive language and threats of arrest against § 87(2)(b) and § 87(2)(b). PO Cruse added that to the best of his knowledge, he did not threaten § 87(2)(b) with arrest if she did not tell him where the gun was. PO Cruse also noted that his captain was present at the time, and he would have immediately intervened if something of that nature was said. In addition, PO Cruse stated that most of the officers on the scene were black or Hispanic and they do not use racial slurs of that nature. PO Cruse also denied telling § 87(2)(b) the officers were going to "fuck up the room" and tear everything apart or using any profanity towards § 87(2)(b) or § 87(2)(b). PO Cruse did not recall if § 87(2)(b) complained she was feeling sick and believed that after her arrest for the recovered drug paraphernalia, a scale and plastic Ziploc bags, she was taken to the hospital because she had diabetes. PO Cruse denied telling § 87(2)(b) she was going "the fuck to jail." PO Cruse took a few pictures of the apartment and made a brief recording of § 87(2)(b)'s and § 87(2)(b)'s room on his NYPD issued cell phone to document its state to prevent false allegations. *See photographs and video* [BR 21, 22, 23, 24, 25, 26, 27, 29].

Lt. Bentley, PO Fernandez, and Lt. Hernandez largely corroborated PO Cruse's account and all denied hearing PO Cruse make any of the alleged statements mentioned above [BR 27, 28, 31]. The rest of the officers who were present during the search were not interviewed as their testimony would not affect the disposition of the allegations.

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Squad: 15

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date